

through delegations. Upon the receipt of these requests for hearing the Committee will acknowledge the same and fix the day and hour of the appearance.

In order to expedite consideration of the measure and to canvass thoroughly, but nevertheless rapidly the applications of all communities the Committee requests that large delegations do not appear, but that instead they authorize a sub-committee to represent them.

The Sub-Committee hereby invites to appear before it on Friday morning, at nine-thirty, representatives of the following communities in the order named: Gonzales, Goliad, San Antonio and Brenham.

And on Saturday the following, in the order named: Nacogdoches and Huntsville.

The Chairman of the Senate Sub-Committee today stated that in addition to the towns already scheduled to be heard on the Centennial Bill on next Saturday, that requests have already been filed from Tarrant County and that representatives from that section will be heard on Saturday of this week.

The Chairman further stated that Monday morning, October 22nd, the representatives from Houston will be heard.

Bill Referred.

H. B. No. 7 was referred to the Committee on State Affairs.

Adjournment.

On motion of Senator Martin the Senate at 10:53 o'clock a. m. adjourned until 10:00 o'clock a. m. Friday.

APPENDIX.

Petitions and Memorials.

Washington, D. C.,
October 18, 1934.

Tom DeBerry
Chairman Senate Agricultural Committee
Austin, Texas

Nation does not now need more land under cultivation. However projects should be considered on individual merits to determine if conditions are so exceptional that public advantages in other directions out-

weight disadvantages of increasing agricultural competition.

C. B. Baldwin
Asst. to the Secretary.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, October 18, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 2 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, October 17, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 1 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

SIXTH DAY.

Senate Chamber,
Austin, Texas,
October 19, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll disclosed a quorum, the following Senators being present:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Fellbaum.	Neal.
Murphy.	Small.

Prayer by the Chaplain.

On motion of Senator Woodward, further reading of the Journal was dispensed with:

Senators Excused.

Senators Neal, Murphy and Small were excused for the day on account of important business on motion of Senator Sanderford.

Bills and Resolutions.**Senate Resolution No. 4.**

Senator Hornsby sent up the following resolution:

Whereas, There is assembled now in the galleries of the Senate a large number of the unemployed persons of Austin and Travis County, Texas, who are now on the relief rolls and they are desirous of exercising their constitutional rights of petition before the Senate of this State; therefore, be it

Resolved, That their representatives be invited to address the Senate, the first two representatives a period of 15 minutes each and the last representative for a period of 10 minutes. Such representatives to be Hon. June C. Harris, Attorney-at-Law, Austin, Travis County; Rev. M. A. Gary, Pastor of the Calvary Baptist Church of Austin; W. H. Roberts, citizen and labor advocate of Austin, Texas. Said representatives to speak in the order named in this resolution.

HORNSBY,
WOODUL,
PATTON.

The resolution was read and adopted.

The Chair asked Senator Hornsby to come to the platform and introduce the speakers to the Senate.

Senator Hornsby presented Judge June C. Harris to the Senate. Judge Harris spoke briefly to the Senate.

Senator Hornsby introduced Rev. M. A. Gary, Mr. Mayhall and Mr. W. H. Roberts. Each of the gentlemen spoke briefly to the Senate.

Senator Beck stated that Mr. Claude Teer, chairman of the Board of Control, was present and thought that the Senate would like to hear from Mr. Teer.

Lieutenant Governor Edgar E. Witt invited Mr. Teer to come to the platform and speak to the Senate.

Mr. Teer spoke briefly on the question of relief in Travis County.

Senate Bill No. 10.

Senator Poage sent up the following bill:

By Senator Poage:

S. B. No. 10, A bill to be entitled "An Act amending Section 1 of Chapter 130, Acts of the Regular Session of the 43rd Legislature so as to provide for the issuance of revenue bonds by cities and towns which have assumed the control of the public schools within their boundaries and to amend Section 3 by providing that any bonds issued shall be payable from the net revenues of the project after payment of operating and maintenance charges, and declaring an emergency."

Read and referred to the Committee on Towns and City Corporations.

At Ease.

The Senate stood at ease for ten minutes while the people present, who wished to leave, might do so.

Message from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives.
Austin, Texas, Oct. 19, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 6, A bill to be entitled "An Act releasing interest and penalties on ad valorem and poll taxes that were delinquent on or before October 1, 1934, due the State, any county, common school district, road district, levee improvement district, water improvement district, water control and improvement district, irrigation district, and other defined subdivisions of the State, provided same are paid on or before January 31, 1935; provided said taxes are paid during the month of February, 1935, with an addition of one per cent (1%) penalty thereon; provided said taxes are paid during the month of March, 1935, with an addition of two per cent (2%) penalty thereon; provided said taxes are paid during the month of April, 1935, with an addition of three per cent (3%) pen-

alty thereon; etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Executive Session.

Senator Martin moved that the Senate some time this afternoon go into executive session to consider the Governor's nominations.

S. C. R. No. 3.

Senator DeBerry sent up the following resolution:

Whereas, On the twentieth day of September, 1934, near the close of the Third Called Session of the Forty-third Legislature the Senate of Texas passed Senate Resolution Number 19 declaring itself in opposition to another called session by a vote of 19 yeas and 3 nays; and

Whereas, On October 8, 1934, the Governor of Texas sent to each member of the Senate of Texas the following telegram: "There has been a limited request for a special session of the Legislature to consider the question of the Hamilton Dam Authority, the Brazos River Authority, remission of delinquent tax penalties and interest, the Centennial and further relief legislation. I do not feel justified in convening the Legislature unless a majority of the membership desire it. I will appreciate your opinion as to the need of a special session to consider the questions here mentioned. Will appreciate it if you will wire me promptly collect."; and

Whereas, On the following day the Dallas Morning News carried the following news item: "In announcing the call, Jim Ferguson said the legislative plebiscite had resulted in 104 Representatives for the session, thirty-six opposed and ten neutral. Of the Senate, nineteen favored another session, nine were against it and two not found for a statement."; and

Whereas, The Governor sought to justify the calling of the session by placing a part of the responsibility of such call on the members of the Legislature; and

Whereas, If the Legislature is so responsible, then the people who pay the bill have a right to know just how each member of the State Sen-

ate and House of Representatives voted on such question; now therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Governor be respectfully requested to furnish the Legislature the names of the one hundred four members of the House of Representatives who expressed themselves in favor of the session, the names of the thirty-six opposed, and the names of the ten neutral; and also the names of the nineteen Senators who favored another session, the names of the nine who were against it, and the two who were not found for a statement.

The resolution was read.

Senator DeBerry asked unanimous consent to take up the resolution at this time.

Senator Sanderford objected.

Senator DeBerry moved that the rule requiring resolutions be sent to a committee be suspended and the resolution be taken up and considered at this time.

The motion to take up and consider lost by the following vote:

Yeas—9.

Blackert.	Oneal.
Collie.	Pace.
DeBerry.	Poage.
Hornsby.	Woodward.
Moore.	

Nays—11.

Beck.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Sanderford.
Martin.	Woodruff.
Parr.	

Absent.

Cousins.	Stone.
Greer.	Woodul.
Patton.	

Absent—Excused.

Fellbaum.	Regan.
Murphy.	Small.
Neal.	

S. C. R. No. 3 was referred to the Committee on State Affairs.

House Bill Referred.

H. B. No. 6 was referred to the Committee on State Affairs.

S. C. R. No. 4.

Senator Rawlings sent up the following resolution:

By Senator Rawlings:

Whereas, There is not now within a reasonable distance of the Capitol an eating establishment adequately operated to take care of the needs of the members of the Legislature and other employees of the State Government; and

Whereas, There exists a very definite need for a coffee shop within the Capitol Building for the convenience of such members of the Legislature and other governmental employees; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the State Board of Control be instructed to select and set aside a suitable location, and install or cause to be installed either in the basement of the Capitol Building or elsewhere, such coffee shop, and that said coffee shop be either leased to a private interest for operation or that it be operated by the State for the benefit of the State, and that the cost of installation of the same be paid out of the contingent fund of the Legislature; and be it further

Resolved, That the said coffee shop be prepared and got in readiness for opening not later than the convening of the Regular Session of the Forty-fourth Legislature which meets on January 8, 1935; be it further

Resolved, That the Secretary of the Senate be and is hereby instructed to present a copy of this resolution to the Board of Control with the request that it be given immediate attention.

The resolution was read.

Senator Rawlings asked unanimous consent to take up S. C. R. No. 4.

Senator Purl objected.

Senator Rawlings moved that the rule requiring resolutions be sent to a committee be suspended and that S. C. R. No. 4 be taken up and considered at this time.

Pending.

At Ease.

Senator Purl asked that the Senate stand at ease for five minutes while he consulted his files for data on the subject of S. C. R. No. 4.

Point of Order.

Senator Poage raised the point of order that there was a statute against eating places in the Capitol and you could not amend the statutes by resolution.

The Chair overruled the point of order.

H. B. No. 7.

Senator Parr asked unanimous consent to print H. B. No. 7 on minority report.

Senator Moore objected.

Senator Parr moved to print H. B. No. 7 on minority report.

S. C. R. No. 5.

Senator Martin sent up the following resolution:

Whereas, The State Auditor reports that he is now completing an examination into the administrative acts of the State Highway Department, and in said examination he finds that the accounting system now in use is entirely inadequate and lacking in efficiency; that such system fails to provide for any internal check or internal audit of the expenditures of that department; that he has found evidence sufficient to convince him that improper and illegal expenditures have been made;

That he has reason to believe that information he has compiled, when supported by proper data, will result in a recovery for the State of approximately \$6,000,000, and that his audit is anything but complete; that any overpayments or illegal expenditures which may have occurred will be found to be due to poor records and wrong interpretations of the law, and not to dishonesty or lack of good faith on the part of the Highway Commission; that the Comptroller's Department is unable, with the resources made available for that department, to verify expenditures by the Highway Department as is provided by law; that there is no one charged with the duty of checking the various departments to see that they are performing the duties that are assigned to them; that they have an accounting department, but not an auditing department, and the rules and regulations of the commission and the chief engineer may or may not be carried out;

That the auditing work already performed by the State Auditor's office has cost approximately \$10,000, and that this sum has been sufficient to do 10% of the work necessary to complete an audit of the biennial ending August 31, 1933; and

Whereas, When the several constitutional offices were created, the framers of the Constitution provided for an internal check as between the offices, and also provided for the extension of such internal check to new departments that may be created by the Legislature; and

Whereas, The State Highway Department receives and expends, without an internal checking system, more money than all other State departments combined, and to permit the expenditure of such enormous sums without audit, either post audit or current audit, is unthinkable and unfair to the officials in charge and to the public; therefore, be it

Resolved by the Senate of the State of Texas, the House concurring, That an appropriation of \$90,000 be made out of the available State Highway funds for the State Auditor's office to be used in completing an audit of the State Highway Department for the two-year period ending August 31, 1933; that such audit report shall include a report on the general operation and efficiency of the engineering staff of the Highway Department, to be prepared and submitted by a graduate engineer of a reputable engineering school; be it further

Resolved, That the State Auditor be charged with the duty of completing this audit by February 1, 1935, and that he be permitted, if he thinks necessary, to employ one or more reputable firms of certified public accountants to assist in the work in order that it may be completed within the time prescribed, the total cost of the audit, including amounts paid private firms, not to exceed \$90,000. The compensation to private accounting firms shall not exceed the price customarily paid for such services.

MARTIN.

The resolution was read and referred to the Committee on Finance.

Adjournment.

Senator Cousins at 12:10 p. m. moved that the Senate adjourn until 10:00 o'clock Monday morning.

The motion prevailed by the following vote:

Yeas—14.

Blackert.	Oneal.
Cousins.	Pace.
Duggan.	Poage.
Holbrook.	Purl.
Hopkins.	Redditt.
Martin.	Stone.
Moore.	Woodul.

Nays—9.

Beck.	Rawlings.
Collie.	Sanderford.
DeBerry.	Woodruff.
Hornsby.	Woodward.
Parr.	

Absent.

Patton.

Absent—Excused.

Fellbaum.	Neal.
Greer.	Regan.
Murphy.	Small.

APPENDIX.

Petitions and Memorials.

(Telegram.)

Victoria, Texas, Oct. 18, 1934.

Hon. Edgar E. Witt,

President Senate, Austin, Texas.

Please read before your House at earliest convenience the following and place in hands of proper committee:

At a meeting of the South Texas Secretaries Association, attended by secretaries and managers of more than thirty Chambers of Commerce in South Texas, held at Victoria, Texas, October 18, 1934, the following declaration of policy was agreed upon:

First. We endorse and pledge our support to a proper and adequate celebration of the Texas Centennial in 1936.

Second. We believe that such a celebration in order to be proper and adequate must include full and adequate recognition of those historical and romantic aspects of the hundred years development of our State, which recognition originally fostered the idea of a centennial celebration.

Third. Recognizing the commercial aspects of the proposed celebration we still insist upon fealty to the

original proposition of celebrating the glorious history of Texas and upon the prime objective, which is to celebrate, commemorate and perpetuate the shrines of Texas liberty and the milestones of Texas history.

Much indeed the greater part of Texas history was made in other parts of the State than that chosen for the central site for the centennial. Three of the six flags which have waved over Texas were never seen north of the city of Austin.

In view of the above we urge upon our Legislature that in making any appropriation of funds for the centennial celebration it profoundly consider the propriety and the fitness of allocating not less than fifty per cent of the funds made available for this purpose to those shrines of South, East and West Texas which were the cradles of Texas liberty the bright pages of Texas history and which should be adequately financed in order that the thousands who visit the State during this celebration may not only witness the progress of Texas commerce but may know of the spilled blood of Texans who made of Texas a republic and a state in turn making the centennial celebration a possibility and a reality.

G. C. RICHARDSON,
Chairman of Resolutions Committee.
RAY LEEMAN,
Vice President and General Manager
South Texas Chamber of Commerce.

ALEX LILLICO,
President South Texas Secretaries
Association.

Committee Reports.

Austin, Texas, Oct. 19, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 3, A bill to be entitled "An Act to amend Article 7336, Revised Civil Statutes of 1925, as amended by Chapter 117, Acts Forty-second Legislature, providing the time when ad valorem and poll taxes shall become due and when they shall become delinquent; providing penalty for non-payment of said taxes and for interest thereon; providing that current ad valorem taxes hereafter paid in full in October or November next succeeding the return of the assessment rolls of the county to the Comptroller of Public Ac-

counts shall be discounted two per cent and that current ad valorem taxes hereafter paid in December of the year next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts shall be discounted one per cent; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, Oct. 19, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 5, A bill to be entitled "An Act for the purpose of releasing the interest and penalties from all delinquent ad valorem and poll taxes that were delinquent on or before August 1, 1934, due the State, any county, city, common school district, independent school district, road district, levee improvement district, water improvement district, water control and improvement district, irrigation district, and other defined subdivisions of the State provided same are paid on or before February 1, 1935, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOPKINS, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Oct. 19, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

H. B. No. 7, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before August 1, 1934, due the State, any county, city school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State, provided same are paid on or before

May 31, 1935, with an addition of one per cent (1%) on said taxes; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.
HOPKINS, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Oct. 19, 1934.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

H. B. No. 7, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before August 1, 1934, due the State, any county, city school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State, provided same are paid on or before May 31, 1935, with an addition of one per cent (1%) on said taxes; etc., and declaring an emergency."

Have had the same under consideration, and beg leave to dissent from the majority report on said bill and recommend that said bill do pass and be printed.

PARR,
DeBERRY.

SEVENTH DAY.

Senate Chamber,
Austin, Texas,
October 22, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll disclosed a quorum, the following Senators being present:

Beck.	Martin.
Blackert.	Moore.
Collie.	Murphy.
Cousins.	Neal.
DeBerry.	Oneal.
Duggan.	Pace.
Greer.	Parr.
Holbrook.	Patton.
Hopkins.	Poage.
Hornsby.	Purl.

Rawlings.	Stone.
Redditt.	Woodruff.
Sanderford.	Woodul.
Small.	Woodward.

Absent—Excused.

Fellbaum. Regan.

Prayer by the Chaplain.

On motion of Senator Stone the reading of the Journal was dispensed with.

Senators Excused.

Senator Regan was excused on account of important business on motion of Senator Moore.

Senator Martin was excused on motion of Senator Sanderford.

At Ease.

On motion of Senator Hornsby the Senate at 10:05 o'clock a. m., stood at ease until 11 o'clock a. m.

Resolution Signed.

The Chair, President Pro Tem., Walter Woodward, gave notice of signing, and did sign, in the presence of the Senate, the following resolution:

S. C. R. No. 2.

House Bill No. 7.

Pending business was Senator Parr's motion to print H. B. No. 7 on the minority report.

Senator DeBerry renewed the motion to print H. B. No. 7.

Senator Moore withdrew his objection.

Senator DeBerry asked unanimous consent to suspend the constitutional rule requiring bills to be printed, and that the Senate take up and consider at this time H. B. No. 7.

Unanimous consent was granted.

H. B. No. 7, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before August 1, 1934, due the State, any county, city school district, road district, levee improvement district, water improvement district, and water control and improvement district, irrigation district and other defined subdivisions of the State; provided same are paid on or before March 31, 1935, with an addition of one per cent (1%) on said taxes;